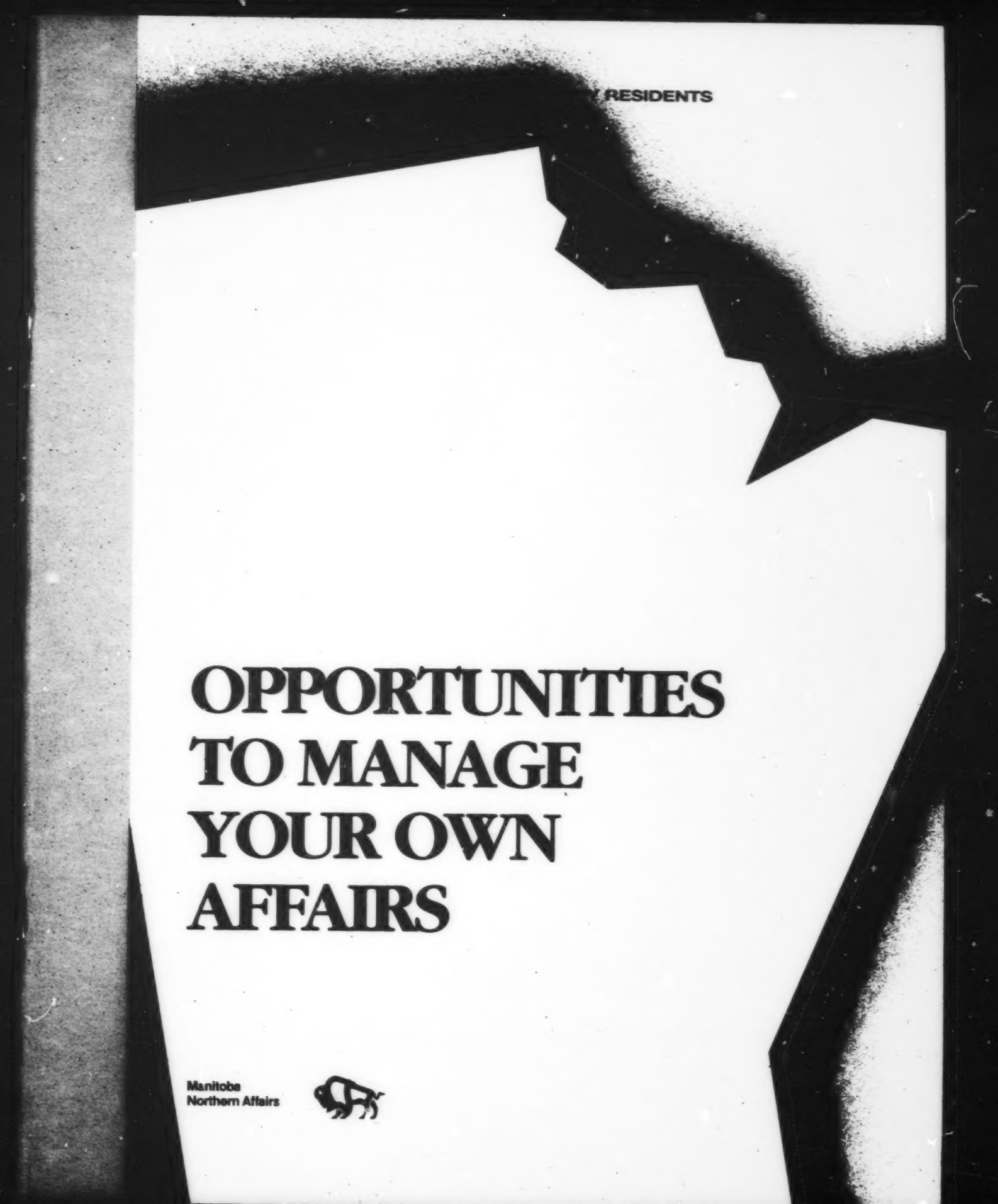


OPPORTUNITIES TO MANAGE YOUR OWN AFFAIRS

Manitoba
Northern Affairs

93-01494/

INTRODUCTION FROM THE MINISTER OF NORTHERN AND NATIVE AFFAIRS HON. JAMES DOWNEY

I am pleased to introduce this Incorporation Guide for Northern Affairs communities.

Prepared by members of the Northern Affairs Incorporation Committee, the guide is designed as an easy reference for mayors and councillors who are considering the necessary steps for their communities to become incorporated.

I want to assure you that Northern Affairs is committed to working with you in realizing your goal. Through continuous cooperation, you will be able to achieve more local control of your own affairs.

As northern communities assume increased authority, there will be adjustments in our mutual responsibilities. Let me assure you, however, that Northern Affairs will continue to provide necessary support programs and services to communities.

I trust this guide proves to be useful in preparing communities for incorporation. I believe this process offers an opportunity for increased human and economic development in Northern Manitoba.

Jim Downey

Hon. James Downey

INTRODUCTION FROM THE PRESIDENT OF THE NORTHERN ASSOCIATION OF COMMUNITY COUNCILS INC.

Incorporation is an important process aimed at providing Councils with the legal authority to make decisions on behalf of their communities. The fact that communities decide to incorporate should not be equated with added work for Councils. In the long run, it should result in lessened workload, greater autonomy and less dependency on the Department. The process of incorporation is one of the first steps towards self-government for Northern Communities.

The experience gained will provide a basis towards self-determination in a wide array of economic and social areas. Councils must view incorporation as a positive growth step and will be provided full support by the Northern Association of Community Councils Inc. (N.A.C.C.) and the Province during and after implementation.

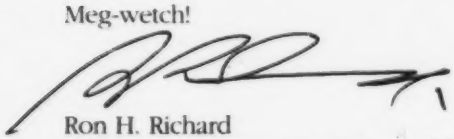
We at N.A.C.C. are in the process of negotiating for long term funding to ensure that incorporation/implementation is continuously supported at the community level.

Since the formation of the Community Council concept, it is evident that communities have come a long way in terms of administrative capabilities. Incorporation will take advantage of this progress by formalizing control at the community level. Community Councils will have a greater voice in the overall management of their communities, and as a result, will participate more equally in the development of Northern Manitoba, thus building a brighter future for our youth. The result of this process will undoubtedly enhance everyday life in Northern Communities.

N.A.C.C. is committed to ensuring that incorporation provides positive benefits at the community level and will endeavour to work very closely with each community involved in the process.

I look forward to working with you as we begin a process which will serve as a model in our efforts to be self-governing.

Meg-wetch!



Ron H. Richard
President Northern Association of Community Councils Inc.

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INCORPORATION GUIDE

This publication is intended to serve as a guide to communities in the Northern Affairs boundary of Manitoba who wish to become incorporated. The material contained within this publication will, it is hoped, prove useful to mayors, councillors and employees of local councils.

Incorporation means fundamental changes and increased responsibility in managing the affairs of communities under the jurisdiction of the Northern Affairs Department.

To yield maximum results, however, such steps must be taken by individual communities with planning and commitment. The Department of Northern Affairs is prepared to assist communities reach their goal by providing training and assistance at the local level.

The ultimate aim of incorporation as outlined in this guide is to assist your communities in achieving greater local control.

WHAT IS INCORPORATION?

Incorporation is the transformation of a community council into a legal entity under *The Northern Affairs Act*. This is a major step for communities who are in a position to take on the increased responsibilities of managing their own operations.

Incorporation is designed to be implemented with the assistance and support of staff from Northern Affairs. They will provide the necessary training for mayors, councillors and their employees, by offering guidance and technical support.

As part of the incorporation process, councils should be prepared to answer the following questions:

- Do you have the necessary experience and expertise to operate independently or with limited guidance and monitoring?
- Has your community developed land and other basic municipal infrastructure?
- Does your council feel comfortable in assuming responsibility for the full administration of your community's affairs?

This process is a positive mechanism for advancing your goals under the Northern Affairs Act. It is an opportunity to direct change and pave the way for progress and increased economic self-sufficiency.

It is recommended that communities considering incorporation review these questions objectively before taking the actual step toward incorporation.

NORTHERN AFFAIRS ACT

Community Councils

THE NORTHERN AFFAIRS ACT created community councils which advise the Minister. Accordingly, the Minister could reverse any decision of council, although this rarely occurs.

"Incorporation" is the final stage of the development of local government under *THE NORTHERN AFFAIRS ACT*. It involves the creation of a separate legal entity, in a process somewhat similar to an individual creating a private corporation under *The Corporations Act*. Once incorporated, an incorporated community council has powers similar to a municipality.

Process of Incorporation

1. The Minister of Northern Affairs must receive a petition signed by at least 15 adult residents of an area in Northern Manitoba. The Minister may recommend to the Lieutenant-Governor-in-Council that the residents be incorporated as an incorporated community. (Subsection 21(1)).

2. The Lieutenant-Governor-in-Council (on the Minister's recommendation) may direct the Minister of Consumer and Corporate Affairs to incorporate the residents as an incorporated community. (Subsection 22(3)).

3. The Minister of Consumer and Corporate Affairs issues letters patent and an incorporated community council is created.

Powers of an Incorporated Community Council

An incorporated community council has those powers granted to it under *THE NORTHERN AFFAIRS ACT*. These include many of the powers granted to municipalities. Once a corporation has been created, there is a legal entity separate and distinct from the Minister. An incorporated community council does not merely advise the Minister, it is in a position to make its own decisions.

The powers of an incorporated community council include:

1. the right and responsibility to maintain all property, assets and liabilities in which the council had an interest prior to incorporation (section 24 and 29);

2. power to pass bylaws;

3. obligation to involve the residents of the incorporated community in the affairs of the incorporated community council (section 41(8));

4. power to levy taxes on taxable property (section 80(4));

5. power, subject to Lieutenant-Governor-in-Council regulations, to appoint a chief constable and constables, and enter into policing agreements (section 81);

6. power, subject to Lieutenant-Governor-in-Council regulations, to pass a bylaw for using land within the incorporated community for nuisance ground disposal area or landfill disposal area (section 82(1));

7. power to acquire and use personal and real property in its own name (section 84);

8. power to establish a business (section 85);

9. power to enter into an agreement regarding housing for the elderly (section 86(1)); and

10. power to put up land for tax sale (section 104).

The powers of an incorporated community council are subject to certain limits and added responsibility. For example, an individual may appeal to the Minister where an incorporated community council has refused to grant a license or permit (section 87). With respect to finances, an incorporated community council must be responsible and must make annual estimates and pass a tax levy bylaw.

Incorporation under *The Northern Affairs Act* creates a legal entity and allows an incorporated community council the authority and responsibility to more fully manage its own affairs, rather than merely advise the Minister. It is a significant step in the process of gaining local control.

WHAT ARE THE BENEFITS?

There is a great diversity among Northern Affairs communities and they vary widely in their economic base, geographic locations and cultural backgrounds. There is, therefore, no precise blueprint of what incorporation will mean to any particular community.

The role of Northern Affairs is to reach an agreement with communities seeking incorporation to ensure that the outcome reflects your goals and your agenda within the parameters of *the Northern Affairs Act*. The general guidelines which govern this process are broad and allow for scope, innovation and flexibility.

When your community becomes incorporated, your council may assume a variety of new administrative and management responsibilities. For example, they may undertake the following:

- Pass bylaws ranging from policing to environmental control within authority provided by legislation.
- Opportunity to negotiate and enter into agreements with individuals, business corporations, government, and agencies.
- Explore resource development opportunities.
- Form community-owned business enterprises.
- Purchase and develop lands within the community's boundaries.

Incorporation also enables communities to explore a wide range of other revenue generating activities as well as to establish separate arrangements with other government departments.

By increasing the authority of Northern Affairs community councils, a legal entity is created placing greater local control in the hands of the communities. By arriving at practical, community-level arrangements to advance self-government, the result will be new opportunities for economic development and increased local pride among Northern Affairs communities.

PLANNING FOR INCORPORATION

The guidelines in this publication are designed to assist Northern Affairs communities to establish a new relationship with the department under the jurisdiction of *The Northern Affairs Act*. It will place more decision-making in the hands of community leaders, who in turn will become primarily responsible to community residents.

Commitment to Incorporation:

Incorporation is an important step in the development of Northern Affairs communities. It requires both commitment and dedication to become an autonomous, self-administrating community. By entering into an agreement with Northern Affairs, a locally administered process for funding is put in place. In addition, communities take a greater responsibility in such areas as program delivery, municipal services and the acquisition and disposition of real property.

Community Incorporation Criteria:

Factors to be considered by communities planning to incorporate include:

Administrative Ability and Selection

Competent administrative abilities in running local affairs is a key component for community self-administration. The requirements are:

- One year experience in self-administration of local government funds;
- Balanced budgets for operating and capital expenditures;

- Trained clerk or administrator;
- Monitoring and auditing reports that meet accounting standards;
- Management and decision making skills;
- Establishment of local administrative policies and procedures;
- Established staff supervision and review procedures; and
- Ability to operate independently within approved policies and procedures with a minimum amount of guidance from the Department.

Program Delivery Capability

To demonstrate the successful delivery and maintenance of approved departmental programs and services is a necessary requirement for incorporation. This includes having successfully:

- Developed and maintained infrastructure and municipal services within the approved level of service;
- Trained public works employees and operating staff;
- Planned, estimated, tendered and delivered capital projects; and
- Initiated the development of long-term community land use and development plans.

Conclusion:

By preparing long-range plans, communities demonstrate a firm commitment to achieving their goals of gaining local control.

FINANCIAL ARRANGEMENTS

Once an agreement has been negotiated and signed, the Department of Northern Affairs is committed, through a written incorporation agreement document, to continue to provide the incorporated community with grants for operating and maintenance. The level of funding proposed is equivalent to the level which they presently have, plus the required funding to provide for such items as insurance and legal services.

Annual increases in funding levels would be dependent upon approved provincial government guidelines. This agreement also enables an incorporated community to continue participating in the community budget process.

A funding formula provides for a means of grant increase or decrease, yet providing an incentive to communities to raise additional funding through taxation. Present levels of funding and assessment for the Community of Duck Bay demonstrates the workings of the funding formula. (This example is included in Appendix 2.)

Although the basic level of services most likely will have been attained prior to incorporation, there are provisions for future funding arrangements, for example, the extension of municipal services such as housing subdivisions and waste disposal sites. This means that the incorporated communities continue to have the same opportunity as they presently enjoy, to negotiate for capital funding through the community budget process.

Once communities incorporate, they no longer are insured by the Province. Therefore, they have to be provided with sufficient funds to buy adequate insurance for the protection of government funded assets. The level of funding required to insure the community assets in Duck Bay has been included in Appendix 3 as an example.

Incorporated communities also require funding toward legal costs. Their needs may increase to the point where the legal advisor in the Manitoba Justice may not be able to meet their requirements.

To ensure incorporated communities are provided with funds to pay legal fees, a reserve fund will be established.

SEVEN STEPS TO INCORPORATION

To become incorporated, communities follow seven steps:

Step 1: Community council calls special meeting to deal with incorporation.

Step 2: Community council holds general public meeting to gain support and input from residents.

Step 3: If residents support incorporation, council arranges for a petition to be signed by at least 15 adults.

Step 4: Inform the regional office of the community's intention.

Step 5: The petition is reviewed by Departmental staff, and recommendations are forwarded to the Minister of Northern Affairs for approval and submission to Cabinet.

Step 6: Upon the Minister's recommendation, the Lieutenant-Governor-in-Council (Cabinet) may direct the Minister of Consumer and Corporate Affairs to incorporate the community as an incorporated community.

Step 7: As soon as the necessary paper work is complete, your community council becomes incorporated.

Once your community is incorporated, it will be able to operate autonomously and be in a position to conduct its own business affairs.

NORTHERN AFFAIRS SUPPORT SERVICES

Incorporation acknowledges the strong desire of people in Northern Affairs communities to have a greater voice in managing their own affairs.

This process is a positive means of advancing your goals, but it is not intended to remove the support services you presently receive from Northern Affairs. It is an opportunity in which change is achieved with assistance maintained by departmental staff.

Support services, for example, provided by the regional offices and Technical Services will continue on behalf of incorporated communities. This will be necessary where elected officials and community staff change and training of new personnel is required. Similarly, technical support for capital project development may be acquired through a verbal or written request to the department.

Contact is maintained with Northern Affairs, on a regular basis, as incorporated communities will continue to provide regular financial reports and minutes to their respective regional office. In addition, annual audits for an incorporated community are provided by Audit Services.

Once incorporated, the communities are in a position to acquire the use of other funds through negotiations. For example, they may seek additional support from other government agencies and private sources in such areas as highways, education and economic development. Northern Affairs continues its advocacy role to support communities during negotiations with outside agencies and departments.

KEEPING IN TOUCH

To give added support to incorporated communities, the regional staff of Northern Affairs will continue to review monthly financial reports, meeting minutes, annual audit reports, and budget submissions for operating, maintenance and capital requests.

Apart from monitoring services for incorporated communities, Northern Affairs will upon request provide training and technical services. For example, when a new clerk or public works employee is hired, they may require training and follow-up.

In accordance with legislation, environmental and health regulations continue to be monitored by the Department of Environment to enforce regulations.

NEED MORE INFORMATION

For more information about the incorporation process please call your Northern Affairs Regional Office or contact:

Local Government Development
Department of Northern Affairs,
59 Elizabeth Drive
Thompson, Manitoba R8N 1X4

1-677-6795

Northern Association of Community Councils Inc.
504 - 63 Albert Street,
Winnipeg, Manitoba R3B 1G4

1-947-2227

MEMBERS OF THE INCORPORATION COMMITTEE

Jim Perchaluk, Chairman
Dauphin Regional Director
Department of Northern Affairs

Ron Richard, President
Northern Association of
Community Councils

Louise Paddock, Former Mayor
Island Lake, Manitoba

George Zong, Former Mayor
Duck Bay, Manitoba

Harvey Bostrom, Acting Director
Native Affairs Secretariat

Don Lofendale
Crown Counsel, Civil Legal Services
Department of Justice

Jeff Gordon
Selkirk Regional Director
Department of Northern Affairs

APPENDIX

APPENDIX 1

ADMINISTRATIVE STATUS AND AUTHORITY SUMMARY April 1992

COMMUNITY RECOGNITION	TRUST	SELF ADMINISTRATION	BLOCK FUNDING	INCORPORATION
CONTACT: - One person represents the community. - Person acts in an advisory and consultative capacity to the Minister. - Person selected by the Community at a public meeting.	- Funds held in "Trust" Account in Thompson. - Funds transferred by Department to Trust Account quarterly. - Funds are provided in accordance with an approved budget. - Department administers all cheques and receipts. - By-laws may be passed by Minister.	N/A	N/A	N/A
COMMUNITY COUNCIL: - Are elected in accordance with Northern Affairs Election Regulations. - Membership ranges from 3 to 7 Councillors. - Headed by a Mayor.	- Same authority as above excepting that by-laws may be passed locally with approval of Minister.	- Have own bank account for administration of budget and projects approved by the Department. - Funds transferred to Community on a quarterly basis. - Funds are unconditional excepting for Constable and project funds. - May collect own taxes. - May pass by-laws with approval of the Minister. - Must get approval from the Department to reallocate surplus funds or return unused funds to the Department. - Must follow Policy Manual developed by the Department.	- Have own bank account to administer budget and projects approved by the Department. - Funds transferred to Community in two semi-annual allocations. - Funds are unconditional based on a written agreement between Community and Department that services will be provided. - Shall collect own taxes. - May pass by-laws with approval of the Minister. - Have authority by agreement to reallocate surplus funds. - By written agreement have authority to develop certain policies (e.g.: surplus funds, meeting costs, grant funding). Department retains authority over policies such as audits and land administration.	- Have own bank account to administer annual budget, which is adopted by community by-law. - Funds to be transferred to Community based on written agreement with Department. - Unconditional funding in accordance with written agreement. - Must pass a by-law annually to levy taxes. - May pass by-laws on own initiative in accordance with authority of the Northern Affairs Act. - Have authority by by-law to establish a budget and make financial decisions for projects. - May pass its own procedures by-law. - As a legal entity, may sue or be sued. - Have power to acquire, hold and dispose of real and personal property for municipal purposes. - May establish and operate a business. - May enter into contract or agreement with its Corporate name (e.g.: M.H.R.C. as Housing Authority.)

APPENDIX 2

INCORPORATED COMMUNITY FINANCING

Incorporated community councils will require continued financing to enable them to maintain their existing level of services within their community.

A financial formula has been developed which will allow for the continued financial support from government for the future maintenance of existing services. This formula is also tied into the community's ability to generate revenue through taxation.

When planning an operating budget for an incorporated community, the following formula is to be utilized to determine the local services grant from the Department of Northern Affairs:

a) base amount plus,
b) approved government increases minus,
c) increase in tax revenue due to increased assessment equals,
d) Local Services Grant.

a) The base amount reflects the level of Northern Affairs funding in the year of Incorporation in the form of the Local Services Grant.

b) Approved government increases are the amount approved annually by the Department in accordance with provincial government budget guidelines.

c) Increase in tax revenue due to increased assessment is calculated from differences between the current total assessment and the total assessment from the base year in which the community was incorporated.

d) Local Services Grant is the current operating grant received from Northern Affairs.

School taxes are omitted as increases in school levy have no effect on the community tax revenue. The taxation assessment roll is adjusted annually as changes are identified and a complete review is made every five years.

As community tax revenues increase due to increased assessment, usually relating to new growth, the community becomes more self sufficient in terms of financing. The local services grant is, therefore, reduced by the amount of the increased assessment multiplied by the municipal mill rate in the base year in which the community was incorporated.

This formula allows the community to generate additional revenues through taxation by raising the municipal mill rate above that of the base year.

The following example shows how this formula may work. The assessment and grants for the Community of Duck Bay are referenced in this example so that it is more relevant.

Calculation of Duck Bay Local Services Grant For 1991-92

1) (a) The base amount of Northern Affairs funding if the Community of Duck Bay was to have incorporated in 1990-91 — $127,400.00

(b) The approved government increases for 1991-92 -assume a figure of — $ 2,100.00

(c) Increases in tax revenue due to increased total taxable assessment over the base year:

1990 assessment - $460,510.00 x 7/1000 (7 mills) = $3,223.57
1991 assessment - $560,510.00 x 7/1000 (7 mills) = $3,923.57
Increase - $100,000.00 x 7/1000 (7 mills) = $ 700.00

The $100,000.00 increased assessment converts to an increase of $700.00 in locally generated revenue. The local services grant will be reduced to reflect the additional revenue generated by the increased assessment.

The local services grant then becomes the result of a + b - c, which is $127,400.00 + $2,100.00 - $700.00 = $128,800.00.

2) Although the local services grant calculation is decreased by $700.00 in this example, due to growth in assessment, an additional $700.00 is raised locally in tax collections; therefore, there is no reduction in revenue to the community, as can be seen in the following comparison:

	1990-91 REVENUE	1991-92 REVENUE
Local services grant	$127,400.00	$128,800.00
Tax Revenue	$ 3,223.57	$ 3,923.57
TOTAL	$130,623.57	$132,723.57

The 1991-92 revenue was increased by $2,100.00, which reflects the approved government increases.

3) If the community was to have increased their mill rate to increase locally generated revenues, such an increase would not affect the local services grant. Such increases in mill rate provide the community with additional revenues. Let's assume the mill rate was increased from 7 mills to 15 mills in 1991-92. The tax revenue is calculated as:
$560,510.00 (1991 assessment) x 15/1000 (15 mills) = $8,407.65.

COMPARISON OF REVENUES:	At 7 Mills	At 15 Mills
Local Services Grant	$128,800.00	$128,800.00
Tax Revenue	$ 3,923.57	$ 8,407.65
TOTAL	$132,723.57	$137,207.65

This formula allows the community to generate additional revenues of $4,484.08 through taxation by raising the municipal mill rate above that of the base year.

APPENDIX 3

DUCK BAY - INSURANCE ESTIMATES

The assets for the Community of Duck Bay have been valued at $819,233.99 for the purpose of insurance and inventory.

A listing of the assets for Duck Bay was submitted to Love And Persson Insurance Agency in Dauphin in the fall of 1989 to obtain an independent insurance estimate.

The following is a general breakdown of insurance costs obtained:

Fire truck (liability and all perils)	— $ 800.00
Building and contents	— $ 8,637.00
Liability	— $ 1,200.00
TOTAL YEARLY PREMIUMS	— $10,637.00

The insurance company indicated that these premium figures, excluding the fire truck, do not reflect any credits which the community may receive (i.e.: fire detection equipment). Such credits are based on an inspection by the insurance company at the time of application.

APPENDIX 4

TERMS OF LETTERS PATENT

WHEREAS *The Northern Affairs Act* provides in part as follows:

21(1) On receipt of a petition signed by not fewer than fifteen adult residents of an area or community, the Minister may recommend to the Lieutenant-Governor-in-Council that the residents be incorporated as an incorporated community.

(2) .....

(3) .....

(4) .....

22(1) .....

(2) .....

(3) The Lieutenant-Governor-in-Council, may direct the Minister of Consumer and Corporate Affairs to incorporate the residents of the area or community defined under subsection (l) as an incorporated community.

(4) Forthwith after the issue of Letters Patent incorporating an incorporated community, the Minister of Consumer and Corporate Affairs shall cause a copy thereof to be published in one issue of the Manitoba Gazette.

30 The Letters Patent incorporating an incorporated community, shall,

(a) subject to subsection 22(1), describe the boundaries of the area or community, the residents of which are incorporated and name the incorporated community;

(b) specify whether the Mayor is to be elected by the electors of the incorporated community or is to be elected pursuant to subsection 34(3);

(c) specify the number of members of the incorporated Community Council if the Mayor is to be elected by the Council from it's members or specify the number of members of the Council in addition to the Mayor if the mayor is to be elected by electors;

(d) designate the first Enumerator, the first Revising Officer and the first Returning Officer and assistants to them or any one or more of them, for the incorporated community;

(e) specify the date by which the preparation and revision of the first voters list shall be completed;

(f) notwithstanding regulations made under section 109 specify the date and time when, and the place where, nominations of candidates for members of the first incorporated Community Council shall be made;

(g) notwithstanding regulations made under section 109, specify the date and time when elections shall be held for the members of the first Council of the incorporated community;

(h) notwithstanding subsection 89(1), specify the commencement and termination dates of the incorporated community's first fiscal year;

(i) specify the date, time and place of the first meeting of the first incorporated Community Council;

(j) designate the person to act as Clerk of the incorporated community until the Council appoints a Clerk;

(k) subject to regulations made under section 109, fix the terms of the office of the members of the first Council; and

(l) make such additional revisions as in his opinion are necessary for the establishment of the incorporated community and the election and operation of it's first council."

AND WHEREAS The Minister has received a petition from at least fifteen adult residents of the Community of _____ requesting that said community be incorporated;

AND WHEREAS The Minister has satisfied himself that the applicant community meets all legal and departmental requisites necessary to become an incorporated community;

AND WHEREAS It is deemed expedient and in the public interest to incorporate the said Community Council as an incorporated community.

THEREFORE, He, the Minister, recommends:

1. THAT the Minister of Consumer and Corporate Affairs does forthwith issue Letters Patent incorporating the inhabitants of the area or community described as follows (approved O/C _____):

   " _____

   _____

   _____ "

   As an incorporated community under the name of "The Incorporated Community of _____ effective the _____ day of _____, 19 ___.

2. THAT the Mayor of The Incorporated Community of _____ shall be elected by the electors of the incorporated community.

3. THAT the Community Council of The Incorporated Community of _____ shall consist of a Mayor and _____ Councillors.

4. THAT _____ of _____ is herewith designated as the first Enumerator; and _____ of _____ is herewith designated as the first Revising Officer; and _____ of _____ is herewith designated as the first Returning Officer.

5. THAT the first list of voters for The Incorporated Community of _____ shall be prepared, revised and completed pursuant to Manitoba Regulation 82/88 R being a Regulation under The Northern Affairs Act Respecting Election Procedures.

6. THAT nominations, in accordance with Manitoba Regulation 82/88R being a Regulation under The Northern Affairs Act Respecting Election Procedures, for candidates for the office of Mayor and _____ Councillors, shall be received by the Returning Officer, between the hours of one o'clock in the afternoon and nine o'clock in the afternoon, on _____, _____ _____, 19 ___, at the Community Office of The Incorporated Community of _____.

7. THAT the electors of The Incorporated Community of _____ shall elect on _____, _____ _____, 19 ___ a Mayor and _____ Councillors for the said Incorporated Community of _____, except such that none be elected by acclamation.

8. THAT The Incorporated Community of _____ 's first fiscal year shall commence on the _____ day of _____, 19 ___ and continue until the 31st day of March, 19 ___.

9. THAT the first meeting of the first Council of The Incorporated Community of _____, elected hereunder, shall be held on _____, _____, 19 ___ in the Council Chambers of The Incorporated Community of _____ and the Mayor and Councillors of _____ shall be declared in office, as the first item on the agenda at the said meeting, in accordance with the provisions of Manitoba Regulation 82/88 R being a Regulation under The Northern Affairs Act Respecting Election Procedures.

10. THAT _____ of _____ is herewith designated to act as Clerk of The Incorporated Community of _____, until such time as Council appoints a Clerk.

11. THAT the term of office of the first Council shall commence fourteen days after the date of the election and expires fourteen days following the date of the regular election in the community in the third year after the commencement of the term in accordance with the provisions of Manitoba Regulation 82/88 R being a Regulation under The Northern Affairs Act Respecting Election Procedures.

12. THAT until the first Council of The Incorporated Community of _____ is organized and declared in office, the present Council shall continue to exercise the same powers as before incorporation.

13. THAT the employees having authority, duties or responsibilities in the Community of _____, immediately before the incorporation, shall continue in their respective employment until they are discharged, retire, or resign, or the period for which they were employed terminates, with the same authority, duties and responsibilities, powers, and liabilities in respect of The Incorporated Community of _____ as they had before in respect of the Community of _____.

14. THAT all property rights, claims, estates, and assets in which the Community Council of _____ had an interest, all the liabilities, obligations, and debts incurred in the name of the Community Council of _____ and all actions pending against or commenced by the Community Council of _____ are vested in, are the responsibility of, and may be continued against or by The Incorporated Community of _____.

15. THAT the employees receiving salary, wages, and fringe benefits including but not limited to vacation leave, sick leave, pension plan, group insurance, and who are subject to other conditions of employment and are employed with the Community of _____ immediately before the incorporation, shall continue to receive salary, wages, and fringe benefits and be subject to the other conditions of employment not less favourable than those employed in the employment of the former employer until they are discharged, retire or resign, or the period for which they were employed terminates, in respect to their continued employment by The Incorporated Community of _____, as they had in respect to the Community of _____.

16. THAT all by-laws in force in the Community of _____ before the incorporation thereof shall continue in force in The Incorporated Community of _____ until lawfully replaced or altered by the Council of The Incorporated Community of _____.

APPENDIX 5

BY-LAW TO REGULATE ADMINISTRATIVE PROCEEDINGS OF COUNCIL

BYLAW _____

A Bylaw to regulate the administrative proceedings of Council.

Whereas it is deemed expedient to pass a bylaw to establish and regulate the forms and proceedings of the Community Council of _____ in terms of the Council, and any and all committees thereof:

Therefore, the Council of _____ enacts as follows:

PART I - GENERAL

1. That any previous bylaw relating to the procedures of the Community Council of _____ is hereby repealed and this bylaw substituted therefore.

2. **Extent of Applicability**
That in all the proceedings of the Council of the Community of _____, or in any committee of said Council, the said bylaw shall apply.

3. **Parliamentary Procedure**
That where a point of order shall arise, and said point of order or procedure be not provided for by this bylaw, the point of order shall then be decided by reference to the Rules of Parliamentary Procedure as practised in the House of Commons of Canada.

PART II - MEETINGS & QUORUM

4. **Regular Meetings**
That the Council shall meet on the _____ and _____ of each month at _____, unless otherwise ordered by special motion, or unless such day be a public holiday according to law, in which case the Council shall meet at the same hour on the next following day which is not a holiday.

5. **Quorum**
That the Quorum of the Council shall consist of the Mayor or Deputy Mayor or other presiding officer and _____members of the Council.

6. **If no quorum**
That unless there be a quorum within 30 minutes of the hour appointed for the meeting, the Council shall stand adjourned until the next day of meeting; and that the Clerk shall so report.

7. **Normal Adjournment**
That the Council shall always adjourn at the hour of _____, unless otherwise determined by a vote of the majority of members present, providing that such vote state the time of adjournment.

8. **Members shall not leave their chair**
That the members present shall not leave their chair on adjournment until after the Mayor or other presiding officer has left his chair.

9. Special Meetings
That special meetings shall be called by the clerk upon order of the Mayor; or a majority of the members of the Council, in writing, providing that such meetings shall deal only with the topics stated in the notice of such meetings; and that such notice shall be given to each member of Council 24 hours prior to the special meeting.

10. Special meeting called in place of regular meeting
That special meetings can be called in place of a regular meeting only after the second consecutive adjournment of a regular meeting under Section 6 of this by-law.

PART III - DECORUM & PROCEEDINGS

11. Call to Order
That as soon after the hour appointed for the meeting that a quorum has assembled, the Mayor or other presiding officer shall take his chair and call the meeting to order.

12. Mayor not present
That in the case the Mayor not be present, the Deputy Mayor shall take the place of the Mayor and preside with all the privileges of the Mayor.

13. Mayor and Deputy Mayor not present
That in the case the Mayor and Deputy Mayor both are not present, the Clerk shall call the meeting to order and direct that a Councillor be chosen to preside over the meeting, within the provision that the total number required to maintain the quorum shall be present.

14. Mayor to preserve order
That the Mayor or other presiding officer shall preserve order and decorum of the meeting; and decide questions of order subject to an appeal to the Council.

15. Appeal to the Council
That when a point or order is appealed to the Council, the Mayor shall state his decision which will stand unless reversed by a vote of the majority of the members present without debate.

16. Vote of the Mayor
That the Mayor may give his opinion but may not vote except to break a tie in the votes in which case he shall decide in the negative.

17. Vote of the Deputy Mayor
That when the Deputy Mayor presides, in the absence of the Mayor he shall retain his right to a vote, and in the case of a tie vote, it shall be deemed to be defeated automatically.

18. Mayor to leave chair to take part in debate
That in the case the Mayor, or presiding officer wishes to take part in the debate, he shall appoint another member of Council to take the chair for all proceedings relating to that debate, and to any vote thereon.

19. Members to address the Chair
That every member prior to speaking on any question before the Council shall address the chair, and when two or more members address the chair at the same time, the Mayor or other presiding officer shall name the member to speak first.

20. Every member to vote
That every member present when a question is put to the floor shall vote thereon unless the Council shall excuse him or unless he be personally interested in such question so as to give a conflict of interest.

21. That there shall not be disturbance
That when a question is being put, or when a member is speaking, there shall not be disturbance by other members or by the public so as to upset the proceedings.

22. Member called to order
That when a member is called to order for not observing the decorum of the Council, that member shall observe the order and that he may be permitted to explain the reason for the disorder. The decision of the chair shall be final unless so appealed to the Council as in Section 15.

23. Public called to order
That a member of the public present shall be called to order, and such person shall observe the order.

24. Public non-compliance
That a member of the public shall be removed from the Council chambers for refusal to obey the call to order.

25. Disrespect and offensive language
That no member of the Council, or any member of public shall speak disrespectfully of the Queen, the Royal Family, or their representatives; nor shall such person use any offensive words against the Council or any members thereof.

26. Repeating the question
That any member may require the question or motion in debate to be read at any time during the debate, but not so as to create a disturbance or interruption while another member is speaking.

27. Speaking to delay proceedings
That any member may speak more than once on a question but not so as to deliberately delay the proceedings of the Council.

28. Secret ballot
That any member may request a secret ballot on a question before the Council, and that the Clerk shall prepare such material as may be required, and report the results of such vote to the Council.

29. Recording Ballot
That any member may request the names of the members recorded as voting aye or nay in the minutes.

30. In camera
That upon a majority vote of the council, the Council may revert to "in camera" session, and that upon such vote being passed that the Clerk shall close the doors of the chambers after the public have left the chambers.

31. Report of in camera
That upon reverting to the normal proceedings the Mayor or other presiding officer shall announce the result of the in camera session.

PART IV - ORDER OF BUSINESS

32. Order of Business
That the order of business shall be:
a) Reading of the minutes of previous meetings
b) Petitions
c) Receiving communications
d) Referring petitions and Communications
e) Reports of committees
f) Unfinished business
g) Motions and resolutions
h) Consideration of bylaws

33. Change in order of business
That the business shall be conducted in the order as in section 32, excepting thereout when such sub-sections do not apply due to lack of business; unless by request of a member the order can be changed and the revision determined by a majority vote.

34. Clerk to prepare agenda
That prior to each meeting the Clerk shall have prepared an agenda of all business to be brought before the Council, and that all such documents shall have been submitted to the Clerk 24 hours before the time of the meeting.

35. Clerk to distribute minutes
That prior to each meeting the Clerk shall have distributed copies of the minutes of the last meeting to each member of the Council two days before the next subsequent meeting.

36. When meeting is held within 3 days of a regular meeting
That the Clerk shall not be required to distribute copies of meetings held within the 3 days preceeding regular Council meeting, but may instead have them available for each member of Council at the meeting itself.

PART V - MOTIONS

37. Notice of motion
That no new matter may be presented to Council, other than petitions and communications, and matters of privilege or reports of committee, except that a member has given a notice of motion to present to Council at a previous meeting.

38. Notice of motion may be dispensed
That on matters of urgency, the members shall request a motion to dispense with the requirement for Notice of Motion which shall be decided by a majority vote of the members present, providing that the member state the reasons for the urgency in the matter.

39. Motions to be written
That all motions are to be written, moved and seconded prior to the Mayor or other presiding officer putting the question.

40. Withdrawing a motion
That a motion once it has been read, may only be withdrawn with the consent of the Council.

41. Motion to put the vote
That a motion to put the question to a vote shall preceed any other motion for amendment of the question.

42. Motion to adjourn
That a motion to adjourn is always in order, but no second motion to adjourn may be made until after some intermediate business has been conducted.

43. Additional motions
That when a question is under debate no motion shall be in order except to:
a) put the question
b) amend the motion
c) lay it on the table indefinitely
d) postpone to a definite time
e) to adjourn the meeting

44. Amendments
That the motion to amend the question shall be voted upon before the question, and that if resolved in the affirmative, the question shall be put to vote of the motion as amended.

45. Voting by item
That when a motion may contain several clauses or items, upon request of any member, each item shall be voted upon individually in sequence, and shall be so recorded.

46. Discussion after the vote
That after the question has been put, there shall be no discussion until the result has been declared by the Mayor or other presiding officer.

47. Motions contrary to privileges of Council
That when the Mayor or other presiding officer is of the opinion that a motion is contrary to the privileges of Council, he shall so declare it before putting the question.

48. Reconsideration
That after resolving any question, except one to table indefinitely, any member who voted in the majority may, at a subsequent meeting, move for reconsideration thereof provided that due notice is given, and that no discussion of the motion take place, and that no discussion of the main question shall be allowed when reconsidered.

49. Certified copy
That the Clerk shall maintain a register of all motions and contain therein a certified copy in numerical sequence all motions.

PART VI - PETITIONS, COMMUNICATIONS, REFERRAL

50. Forms
That any petition, or other written communication intended for Council, not withstanding that such may be presented verbally at the time of presentation, must be fairly written or printed on paper and signed by at least one person.

51. Member named
That in any petition, communication, or other, wherein a member of Council is named, when such item is referred to a committee, the member so named if not a member of that committee shall be advised of the time and place of the committee meeting which shall deal with said petition, communications, or other.

52. Referral
That all petitions or other written communications shall when the content of same be within the jurisdiction of any committee be referred to said committee by the Mayor or other presiding officer without discussion of the same.

PART VII - BYLAWS

53. Introduction of
That all bylaws shall be introduced to the business of Council by either notice of motion or by report and recommendation of a committee of Council.

54. Three readings
That every bylaw shall have three separate readings but not more than two on the same day; and that it shall be read once before it is submitted for a public meeting if so required, and shall be read the third time before being signed by Mayor and the Clerk.

55. Clerk to endorse
That the clerk shall endorse on an official copy of the bylaw the dates and motions of the several readings of the bylaw.

56. Clerk to retain certified copy

That the clerk shall maintain a register, and shall contain therein a certified copy of all the bylaws in numerical sequence; and when a bylaw is repealed he shall remove the certified copy of said bylaw and indicate therein the date of repeal and removal.

57. Clerk to keep repealed bylaws

That the clerk shall maintain a register of the repealed bylaws including therein the date of repeal on each bylaw.

58. Referral to Committee of the Whole

That all bylaws shall be referred to the Committee of the whole Council for clause-by-clause consideration of the proposed bylaw before the Council gives the bylaw second reading.

59. Report of the Committee of the Whole

That every report of the Committee of the whole shall contain any amendments recommended so that Council can properly make the amendments, and that if no amendments are reported the Council shall then vote upon the second reading of the bylaw without question or debate.

PART VIII - COMMITTEES

60. Establishment of

That the Council may establish any committee as it deems necessary and expedient to conduct the business of Council; and that it shall establish the following standing committees:

a) Committee of the Whole
b) Standing Committee of Finance
c) Standing Committee of Public Works

61. Membership on

That the membership of each committee shall be established by motion naming the members of same annually after each election, or at such other times as may be required to maintain the membership of each committee established by Council.

62. Mayor Exoffico member

That the Mayor shall be an exofficio member of all committees established by the Council, and have right to vote.

63. Other Councillors may attend

That any member of Council may attend any committee meeting of the Council's committees and with consent may take part in the debates, but shall not have the right to vote.

64. Chairman of Committee

That the motion naming the members of a committee may also name the Chairman of the committee, excepting that the chairman of the committee of the Whole shall be the Mayor or other presiding officer as in Section 13 of this bylaw.

65. Meetings of Committee

That at the establishment of the membership of the committee there shall be a motion to set the time and location of the first meeting of such committee; and that the Council may also establish a regular meeting time for each committee, if the committee itself does not do so and does not report to Council after its first meeting.

66. Frequency of Meetings
That each committee shall meet on a regular basis until all the business has been conducted not withstanding that the committee may regulate the frequency of its meetings provided that the meetings shall not be less frequent than _____ a month.

67. Procedures in Committees
That this bylaw shall apply to all committees of the Council as regards procedures.

68. Minutes of Committee
That the Clerk of the Council shall be responsible to provide for taking, preparation and keeping of minutes not withstanding that he may arrange for a person other than himself to do this work.

69. General Duties
That the general duties of any committee established by the Council shal. be:
a) to report to the Council on all matters relating to duties assigned to the Committee,
b) to consider and report on all items referred to the committee by the Council.

70. Committee of the Whole
That the Committee of the Whole may consider any matter of Council referred to it without prejudice to any other committee.

71. Standing Committee of Finance
That the Standing Committee of Finance may consider any matter related to the financial administration of the Council.

72. Standing Committee of Public Works
That the Standing Committee of Public Works may consider any matter related to the public works of the council.

73. Quorum
That the quorum of any committee shall be two-thirds of the membership named to that committee provided that the total number shall not be less than three.

74. Motions and Resolutions
That all such items as to "move the previous question" shall be shown as a motion, but decisions shall be shown in the form of a resolution when such decision is to be reported to Council.

PART IX

75. Date of Enactment
This bylaw shall come into force on the date of the signature of this bylaw by the Mayor, and the certification by the Clerk, immediately following third readings.

1st reading this ____ day of _____ 19 __ passed _____ Mayor
certified correct _____ Clerk

2nd reading this ____ day of _____ 19 __ passed _____ Mayor
certified correct _____ Clerk

3rd reading this ____ day of _____ 19 __ passed _____ Mayor
certified correct _____ Clerk

APPENDIX 6
BYLAW TO CONTROL THE FINANCIAL PROCEEDINGS OF COUNCIL

Whereas the Community Council of the Community of _____ deem it advisable to control the financial proceedings of the Council and any representative thereof;

now therefore the Council enacts as follows:

PART I - GENERAL

1. **Financial Administration**
   That the Council shall be responsible for the financial administration, but may delegate such authority as it deems advisable through this bylaw.

2. **Committee of the Whole**
   That the Council, through the Committee of the Whole shall approve the appropriations of money before inclusion into a money bylaw.

3. **Finance Committee**
   That the Finance Committee shall be responsible for the preparation of the annual estimates, any supplementary estimates, and money bylaws.

4. **Clerk**
   That the Clerk, or other appointed person, shall be responsible to the Financial Committee for the day-to-day administration of the Council's financial records.

PART II - AUTHORIZATION OF EXPENDITURES

5. **Authority**
   That no committee or member of Council or officer of the Council shall on behalf of the community enter into any contract, agreement or other which commits the Council to an expenditure without having first by bylaw or resolution or motion obtained the approval of Council.

6. **Loans or Debts**
   That no committee or member of Council, or officer of Council shall on behalf of the community enter into any contract, agreement or other which commits the Council to a loan or debt without having first obtained authorization of such debt by the passing of a money bylaw.

7. **Limitation on resolutions of authorization**
   That no resolution or motion or bylaw shall be passed which authorizes an expenditure unless adequate means are included as part of said resolution, motion or bylaw, to at the same time provide for revenues to cover the anticipated expenditure.

8. **Estimates required**
   That no work or improvement shall be undertaken or be authorized by the Council without having either an estimate or a limiting financial control prior to the required authorization.

9. **Change of purpose**
   That no money hereafter voted or raised for any purpose shall be used for any other purpose without expressly repealing the resolution or bylaw under which same was voted, and substituting therefore a new resolution or bylaw.

10. **Conflict of interest**
    That no member of the Council, or any officer of the Council shall be interested in a private capacity in any contract or agreement to which the Community is a party.

11. Member of Council as agent
That no money shall be paid to any member of Council, or any officer of Council as agent or attorney for any contractor or in any capacity which can be deemed to be a contractor with the Council.

PART III - FINANCIAL ADMINISTRATION

12. Records
That the Financial Committee shall direct the Clerk to maintain such financial records as may be required to adequately record and present all financial transactions of the Council.

13. Idem
That the Financial Committee shall direct the Clerk to receive all monies when tendered and shall enter same in his records and deposit same to the credit of the Council.

14. Idem
That the Financial Committee shall approve all disbursements of the Council and shall report said disbursements to the Council, excepting that where a disbursement is not approved, the Council may approve same.

15. Report
That the Financial Committee shall report once a month the financial status of the Council, and may direct the Clerk to prepare such documents as to enable the committee to so report.

16. Annual statement
That the Financial Committee shall report annually, in the month of _____, the financial statement of the Council, in order that the Council may request an audit of the books.

17. Budget Estimates
That the Financial Committee shall prepare the annual budget estimates, in consultation with any other committees that may be established, in sufficient time to allow the Council to examine and approve same preparatory to preparing a financial bylaw for the purposes of raising the necessary funds.

18. Bank accounts
That the Financial Committee shall direct the Clerk to arrange with the bank for establishment of such accounts as may be required to adequately manage current funds, trust funds, debenture funds, etc.

PART IV - DISBURSEMENT TO COMMITTEES, ET AL

19. Other committee to have funds
That the Financial Committee, with the consent of Council, may transfer control of specific funds to other committees provided that controls established by this bylaw also apply to other committees, and that other committees estimates are included in the annual budget estimates of the Financial Committee.

20. Finance Committee may direct Clerk
That the Finance Committee may direct that accounts on behalf of other committees are to be administered by the Clerk in the same manner as the accounts of the Council.

21. Unexpended funds
That the Finance Committee shall direct the Clerk to recover all unexpended funds from any account or from any committee, and shall credit such funds to the general account.

22. Finance Committee to review
That the Finance Committee shall review any records of any committee, and shall arrange for audit of such records as part of the records of the Council.

23. Finance Committee to set limits
That the Finance Committee shall establish limits of signing authority for members of Council and any officers of Council to enable the expedient processing of accounts to the benefit of the Council.

24. Regulations
That the Finance Committee may establish such regulations as deemed necessary to maintain adequate controls, providing that such regulations are not in conflict with this bylaw.

25. Coming into force
That this bylaw come into force immediately upon the day of third reading and signing by the Mayor, and certification of same by the Clerk.

1st reading this ____ day of _____ 19 __ passed _____ Mayor
certified correct _____ Clerk

2nd reading this ____ day of _____ 19 __ passed _____ Mayor
certified correct _____ Clerk

3rd reading this ____ day of _____ 19 __ passed _____ Mayor
certified correct _____ Clerk

APPENDIX 7

NORTHERN REMOTE COMMUNITIES

56 Northern Remote Communities Falling Under the Jurisdiction of The Northern Affairs Act (by region)

THOMPSON REGION

Brochet
Cross Lake
God's Lake Narrows
Granville Lake
Ilford
Nelson House
Norway House
Oxford House
Pikwitonei
South Indian Lake
Thicket Portage
Wabowden
Warrens Landing

DAUPHIN REGION

Baden
Barrows
Camperville
Crane River
Duck Bay
Mallard
Meadow Portage
National Mills
Powell
Red Deer Lake
Rock Ridge
Salt Point
Spence Lake
Waterhen
Westgate

SELKIRK REGION

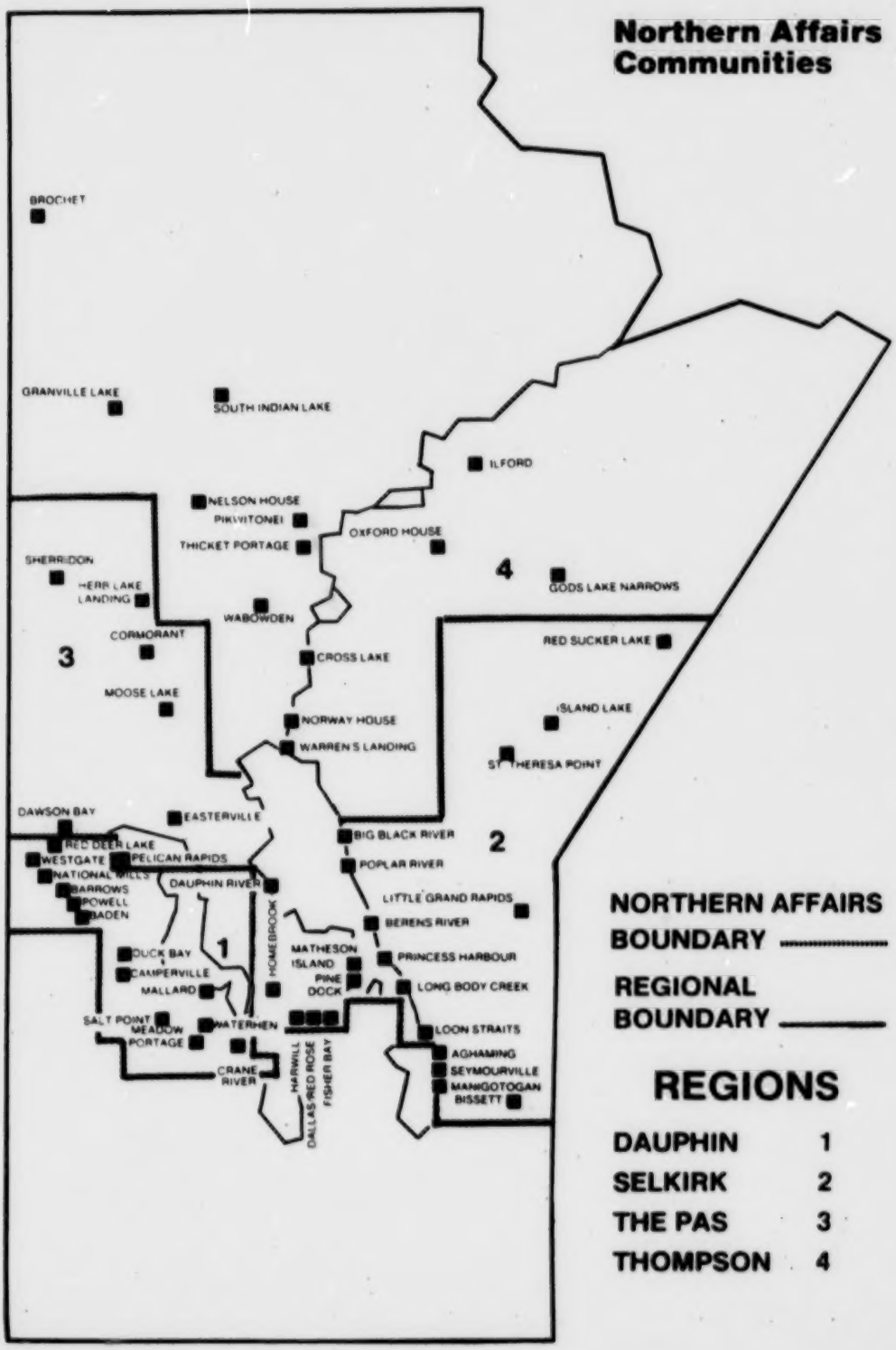
Aghaming
Berens River
Big Black River
Bissett
Dallas/Red Rose
Dauphin River
Fisher Bay
Harwill
Homebrook
Island Lake
Little Grand Rapids
Long Body Creek
Loon Straits
Manigotogan
Matheson Island
Pine Dock
Poplar River
Princess Harbour
Red Sucker Lake
St. Theresa Point
Seymourville

THE PAS REGION

Cormorant
Dawson Bay
Easterville
Herb Lake Landing
Moose Lake
Pelican Rapids
Sherridon

List of 56 Northern remote communities falling under the juridiction of The Northern Affairs Act (in alphabetical order)

Aghaming
Baden
Barrows
Berens River
Big Black River
Bissett
Brochet
Camperville
Cormorant
Crane River
Cross Lake
Dallas/Red Rose
Dauphin River
Dawson Bay
Duck Bay
Easterville
Fisher Bay
God's Lake Narrows
Granville Lake
Harwill
Herb Lake Landing
Homebrook
Ilford
Island Lake
Little Grand Rapids
Long Body Creek
Loon Straits
Mallard
Manigotogan
Matheson Island
Meadow Portage
Moose Lake
National Mills
Nelson House
Norway House
Oxford House
Pelican Rapids
Pikwitonei
Pine Dock
Poplar River
Powell
Princess Harbour
Red Deer Lake
Red Sucker Lake
Rock Ridge
St. Theresa Point
Salt Point
Seymourville
Sherridon
South Indian Lake
Spence Lake
Thicket Portage
Wabowden
Warrens Landing
Waterhen
Westgate


Northern Affairs Communities
BROCHET
GRANVILLE LAKE
SOUTH INDIAN LAKE
ILFORD
NELSON HOUSE
PIKWITONEI
THICKET PORTAGE
OXFORD HOUSE
SHERRIDON
HERR LAKE LANDING
GODS LAKE NARROWS
WABOWDEN
CORMORANT
3
4
RED SUCKER LAKE
CROSS LAKE
MOOSE LAKE
ISLAND LAKE
NORWAY HOUSE
WARREN'S LANDING
ST. THERESA POINT
DAWSON BAY
EASTERVILLE
BIG BLACK RIVER
2
RED DEER LAKE
WESTGATE
PELICAN RAPIDS
POPLAR RIVER
NATIONAL MILLS
BARROWS
POWELL
BADEN
DAUPHIN RIVER
LITTLE GRAND RAPIDS
BERENS RIVER
HOMEBROOK
1
DUCK BAY
CAMPERVILLE
MATHESON ISLAND
PRINCESS HARBOUR
MALLARD
PINE DOCK
LONG BODY CREEK
SALT POINT
MEADOW PORTAGE
WATERHEN
LOON STRAITS
CRANE RIVER
HARWILL
DALLAS
RED ROSE
FISHER BAY
AGHAMING
SEYMOURVILLE
MANIGOTOGAN
BISSETT
NORTHERN AFFAIRS BOUNDARY
REGIONAL BOUNDARY
REGIONS
DAUPHIN 1
SELKIRK 2
THE PAS 3
THOMPSON 4